

## PART VII

### ADVERSARY PROCEEDINGS

#### 7001-1 *Adversary Proceedings*

##### a. **Turnover of Money or Property.**

- (1) Except as provided in FED. R. BANKR. P. 7001(1), requests for turnover of money or property must be by complaint.
- (2) A complaint for turnover of a Motor Vehicle (as defined in LBR 4070-1b(1)) shall include as an exhibit Proof of Insurance (as defined in LBR 4070-1b(2)).

##### b. **Turnover Complaints in Chapter 13 Cases.** A complaint for turnover of a vehicle or funds of the debtor in a Chapter 13 case (the “Expedited Complaint”) is entitled to expedited preliminary hearing and is exempt from LBR 9075-1.

- (1) To obtain an expedited preliminary hearing date, the Summons and Notice of Expedited Preliminary Hearing in the form of Appendix H must be filed with the Expedited Complaint. An Expedited Complaint filed before 4:00 P.M. on any Tuesday may be scheduled for expedited preliminary hearing as early as Monday of the following week.
- (2) The attorney for the plaintiff (or the plaintiff, if *pro se*) shall provide immediate telephonic or facsimile notice of the hearing and transmit a copy of the complaint to the defendant, the attorney for the defendant (if known), the debtor, the debtor’s attorney, and the Chapter13 trustee by hand delivery, facsimile or overnight courier service. The attorney for the plaintiff (or the plaintiff, if *pro se*) shall promptly file a certificate of service pursuant to LBR 9013-3.

#### 7003-1 *Cover Sheet*

An Adversary Cover Sheet in the form prescribed by the Administrative Office of the United States Courts must be completed and filed with each complaint.

#### 7026-1 *Discovery - General*

Subsections (a), (d) and (f) of FED. R. BANKR. P. 7026 do not apply in contested matters.

## 7026-2 *Discovery - Return of Material*

After final determination of any action, counsel or parties shall have thirty (30) days within which to withdraw discovery material. In the event the discovery material is not withdrawn, the Clerk may, without notice, destroy or otherwise dispose of the discovery material.

## 7056-1 *Summary Judgment*

- a. **Statement of Undisputed Facts.** Every motion for summary judgment pursuant to FED. R. BANKR. P. 7056 shall be accompanied by a Statement of material facts which the moving party contends are undisputed. Each fact shall be stated in a separate, numbered paragraph. Each fact shall be supported by specific citation to material allowed by Rule 56(c) that establishes the fact. After each paragraph, a blank space shall be provided reasonably calculated to enable the non-moving party to respond to the assertion that the fact is undisputed.
- b. **Response.** Any party opposing the motion for summary judgment must respond to each fact set forth by the movant by either (1) agreeing that the fact is undisputed; (2) agreeing that the fact is undisputed for the purpose of summary judgment only; or (3) demonstrating that the fact is disputed by specific citation to material allowed by Rule 56(c). Each disputed fact must be demonstrated on the document provided by the movant or on another document in which the respondent has reproduced the facts and citations verbatim as set forth by the movant. This response shall be filed with the papers in opposition to the motion for summary judgment.
- c. **Additional Statement and Reply.** The party responding may file an Additional Statement of other material facts the respondent contends are undisputed. This Additional Statement shall be prepared in the same format as the movant's Statement. The moving party shall reply to the facts in the Additional Statement in the same format as specified above. The reply of the moving party shall be filed at the same time as any reply brief or memorandum.

## 7067-1 *Registry Funds*

- a. **Orders Directing Deposit.** All orders for the deposit of registry funds shall contain the following:
  - (1) the amount to be invested;
  - (2) a designation of the financial institution located in Nashville, Tennessee where the funds are to be deposited; and
  - (3) the type of account to be used.

b. **Orders Directing Disbursement.** All orders directing disbursement of registry funds shall contain the following:

- (1) the name, address and employer identification number or social security number of each party receiving disbursement; and
- (2) a provision which directs the Clerk to deduct from the income earned on the investment a fee, as set by the Director of the Administrative Office and authorized by the Judicial Conference of the United States.

c. **Service of Order on the Clerk.** A copy of the signed order directing deposit of registry funds and the funds to be deposited and a copy of any order directing disbursement of registry funds shall be delivered by the movant to the Clerk or the Chief Deputy in Room 200, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.